

1 Remarks/Arguments

2       Enclosed, as a separate document, is a request for a two-month extension of time to  
3 and including March 5, 2005 by which to respond to the Office action along with the required  
4 fee for a small entity in the amount of \$225.00.

5       Three claims remain in the application, including amended claim 1, and claims 4 and  
6 5 as originally filed.

7       The rejection under 35 USC § 112 is overcome by restating the "means" clause of claim  
8 1.

9       Claim 1 stands rejected as anticipated by the Wilkeson reference. The undersigned  
10 submits that, for reasons stated below, amended claim 1 is now patentably distinct over the  
11 Wilkeson reference as well as over any combination of references cited. There are three  
12 primary differences between claim 1 as amended and the Wilkeson reference.

13       First, the Wilkeson reference teaches a grooming brush for animals having a  
14 combination of hollow members as well as solid members. This aspect of Wilkeson is  
15 described at column 4, lines 9-21. Wilkeson discloses a first array of solid members 25 (Fig.  
16 2) and a second array of hollow members 27. Wilkeson uses the solid tines to "comb and  
17 separate" the animal's hair (col. 4, line 48). Claim 1 as amended specifies that the present  
18 invention utilizes a single row of tines wherein each tine is hollow and has a slit formed near  
19 its tip. The significance of the difference is that the present invention seeks as its primary  
20 object to achieve a device in which the applicator is very sensitive to the slightest pressure  
21 applied by the hollow tip against the scalp. The significance of this aspect of the present  
22 invention is to apply very small amounts of relatively expensive scalp medicine, such as  
23 Rogaine. The Wilkeson device, by utilizing alternating rows of hollow and solid tines, requires  
24 that sufficient pressure be applied to cause the solid tines to bend before the hollow tines of  
25 Wilkeson are bent. The Wilkeson device inherently does not provide a highly sensitive row  
26 of tines that releases medicine in response to a small amount of pressure applied by the tine

1 to the scalp. A related drawback of the Wilkeson apparatus is that multiple rows of hollow  
2 tines are provided, which would release large amounts of medicine, and would not be  
3 appropriate for application of expensive human scalp medicine, as is the case with the present  
4 invention. The present invention eliminates the solid tines required by the Wilkeson reference  
5 and furthermore utilizes only a single row of hollow tines.

6         The second significant difference between the present invention and Wilkeson is that  
7 the present invention is designed for use on human scalps and is particularly designed for the  
8 use of relatively expensive human scalp medicines, such as Rogaine.

9         The third difference between the present invention is that only a single row of tines is  
10 utilized as opposed to the multiple rows utilized by Wilkeson. The use of a single row allows  
11 the user to vary the angle A (as shown in Fig. 2) at which the tines are applied to the scalp.  
12 This feature is discussed at page 4, lines 13-17. That cannot be done with Wilkeson. The  
13 Wilkeson device allows the hollow tines to only contact the animal's skin at a 90° angle. This  
14 ability to vary angle A increases the sensitivity of the present applicator and minimizes the  
15 amount of medicine necessary to achieve a uniform but thorough application to the scalp. A  
16 related advantage of using a single row of tines and deleting or eliminating the solid tines  
17 required by the Wilkeson prior art device is that each hollow tine in the present invention is  
18 placed very close to the adjacent hollow tine. This placement allows full coverage of the scalp  
19 by a single pass of the applicator over any given portion of the user's scalp. This results in a  
20 more efficient use of the expensive medicine while simultaneously assuring a uniform and  
21 complete coverage of the scalp by a single pass of the applicator. The Wilkeson device uses  
22 solid tines between hollow tines. Since the solid tines do not release medicine, Wilkeson  
23 inherently will leave strips of skin to which no medicine has been applied. The present  
24 invention achieves complete scalp coverage by eliminating the solid tines of Wilkeson.

25         For the above reasons, the undersigned submits that claim 1 as amended is patentable  
26 over Wilkeson and is patentable over any combination of references cited.

1 The undersigned submits that claims 4 and 5 are patentable based upon the patentable  
2 subject matter of claim 1.

3 For the above reasons, the undersigned submits that the three remaining claims in this  
4 application are patentable and favorable action is requested.

5  
6 Respectfully submitted,

7  
8 By Bruce H. Johnsonbaugh  
9 Bruce H. Johnsonbaugh  
10 Reg. No. 24,982  
11 Attorney for Applicant

12  
13  
14  
15 ECKHOFF & HOPPE  
16 333 Sacramento Street  
17 San Francisco, CA 94111  
18 Telephone: 415-391-7160  
19 Facsimile: 415-391-7161  
20 9342.amend

21  
22  
23  
24  
25  
26  
**I hereby certify that this correspondence is  
being deposited with the United States Postal  
Service as first class mail in an envelope  
addressed to: Mail Stop Amendment (FEE)  
\_\_\_\_\_, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450,  
on March 2, 2005  
Reg. No. 24,982 of Eckhoff & Hoppe  
Bruce H. Johnsonbaugh  
Signature  
March 2, 2005  
Date**